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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

|                                 |   |                                       |
|---------------------------------|---|---------------------------------------|
| UNITED STATES OF AMERICA,       | ) |                                       |
|                                 | ) | CR. NO. S-99-0295 JAM                 |
|                                 | ) |                                       |
| Plaintiff,                      | ) | <b>GOVERNMENT'S MOTION TO DISMISS</b> |
|                                 | ) | <b>INDICTMENT AS TO DEFENDANTS</b>    |
| v.                              | ) | <b>ROGELIO MONTOYA AND JOSE JAIME</b> |
|                                 | ) | <b>ANDRADE; ORDER</b>                 |
|                                 | ) |                                       |
| <b>ROGELIO MONTOYA</b> , aka    | ) |                                       |
| Chicalito, and                  | ) |                                       |
| <b>JOSE JAIME ANDRADE</b> , aka | ) |                                       |
| Coronel,                        | ) |                                       |
|                                 | ) |                                       |
| Defendants.                     | ) |                                       |

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Pursuant to Rule 48(a) of the Federal Rules of Criminal Procedure, the United States hereby moves to dismiss all the charges contained in the indictments in this case as to defendants Rogelio Montoya and Jose Jaime Andrade. Both defendants (Mexican nationals) have been fugitives since charges were filed in this case and are believed to be living in Mexico. The eleven defendant case is now over ten years old. The case was completed as to all the remaining defendants (seven convicted, two dismissed) as of the end of 2000. At this point the investigative agency (DEA) wishes to close the case (e.g.,

1 destroy the stored evidence and terminate any efforts to locate  
2 the fugitives). The U.S. Attorney's Office concurs. Therefore,  
3 it is respectfully submitted that the present motion be granted.  
4

5 Dated: December 8, 2011

6 BENJAMIN B. WAGNER  
7 United States Attorney

8 By: /s/ Richard J. Bender  
9 RICHARD J. BENDER  
Assistant U.S. Attorney  
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| UNITED STATES OF AMERICA,      | ) |   |
|                                | ) | CR. NO. S-99-0295 JAM                   |
| Plaintiff,                     | ) |   |
|                                | ) | <b>ORDER GRANTING MOTION TO DISMISS</b> |
| v.                             | ) | <b>INDICTMENT AS TO DEFENDANTS</b>      |
|                                | ) | <b>ROGELIO MONTOYA AND JOSE JAIME</b>   |
|                                | ) | <b>ANDRADE</b>                          |
| <b>ROGELIO MONTOYA, aka</b>    | ) |   |
| Chicalito, and                 | ) |   |
| <b>JOSE JAIME ANDRADE, aka</b> | ) |   |
| Coronel,                       | ) |   |
|                                | ) |   |
| Defendants.                    | ) |   |

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Upon consideration of the government's motion pursuant to Rule 48(a), F.R.Crim.P., to dismiss all charges contained in the indictments in this case against defendants-fugitives Rogelio Montoya and Jose Jaime Andrade, good cause having been shown, it is hereby ORDERED that the charges against these two defendants are dismissed and any arrest warrants based upon those charges are hereby recalled.

Dated: December 12, 2011

/s/ John A. Mendez  
JOHN A. MENDEZ  
U.S. District Judge